

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

**VICENTE M. MARTINEZ, and
ISAIAS ROSALES,**
individually and on behalf
of all others similarly situated,

Plaintiffs,

Case No. 11-cv-1047

vs.

MARATHON SYSTEMS, INC.

Defendant.

**STIPULATED MOTION FOR LEAVE TO FILE PLAINTIFFS'
FIRST AMENDED COMPLAINT**

Plaintiffs', by their attorneys, Hawks Quindel, S.C. by William E. Parsons, David C. Zoeller and Summer H. Murshid, respectfully request leave to file this First Amended Complaint, attached as an exhibit to this motion, pursuant to Fed. R. Civ. P. 15(a)(2).

On March 14, 2012, the parties engaged in mediation and have tentatively reached agreement to settle the above captioned case. During the course of that mediation, in an effort to further settlement prospects, the parties agreed that Plaintiffs would file this First Amended complaint to reflect the parties' agreement to settle this matter as a multi-plaintiff action instead of a class action. This case has not been certified as a collective class pursuant to 29 U.S.C. Sec. 216(b) or as a class pursuant to Fed R. Civ. P. 23. Plaintiffs so move with Defendant's stipulation.

The parties anticipate filing their settlement agreement for Court approval in the coming weeks, once all terms are finalized between the parties.

Dated this 20th day of March 2012.

HAWKS QUINDEL, S.C.

By: /s/ William E. Parsons

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